IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.5725 OF 2004

Manoj Ukabhai Bamnya ...Applicant

Versus

State of Maharashtra ...Respondent

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Mr.Nitin H. Sejpal for Applicant.

Mr.V.B.Konde-Deshmukh, A.P.P. for Respondent.

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CORAM: A.M.KHANWILKAR, J.

JANUARY 27, 2005.

P.C.

1. Heard Counsel for the parties. Perused the record.

2. In view of the seriousness of the offence and the role ascribed to the Applicant, which has been spelt out by the eye-witnesses, coupled with the recovery of the wooden log (stump) from the Applicant, not a case for bail. I see no reason to depart from the conclusion reached by the Court below in rejecting the Bail Application preferred

by the present Applicant. The argument that the post-mortem report does not disclose any injury caused by the wooden log (stump), which was held by the Applicant, does not impress me at all. That is a matter for trial. The eye-witness has deposed about the role of the Applicant and for the present, the prosecution case will have to be accepted as it is. Hence, dismissed.

3. The Principal Judge, Sessions Court, Mumbai, is directed to assign the case to the Fast Track Court, if already not done, so as to ensure early disposal of the trial.

4. The Applicant shall extend full co-operation to the Trial Court for early disposal of the trial and if the Trial Court is of the opinion that the Applicant is responsible for the delay of the trial, that fact be recorded in the Roznama, which will be taken into account if and when the occasion arises.

5. Application disposed of on the above terms.

A.M.KHANWILKAR, J.